

- UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

Disabilities Act and 42 U.S.C. §12181, *et. seq.* The Court has supplemental jurisdiction over Plaintiff's related state law claims by virtue of 28 U.S.C. §1367.

Operative Facts

6. Plaintiff is a Marine Corps veteran who served as an infantryman during a combat deployment in Afghanistan. As a result of his service, Plaintiff suffers from Post-Traumatic Stress Disorder (PTSD), hearing loss, and sleep disturbances. These disabilities substantially limit Plaintiff's major life activities.
7. To assist him in alleviating the symptoms of Plaintiff's disabilities, Plaintiff utilizes the services of a service dog named Jet. Jet is a dachshund who weighs approximately 16 lbs. and stands from 6-8 inches tall.
8. Jet is a service dog, and he has been independently trained to do work or perform tasks for the benefit of Plaintiff, and the work or tasks are directly related to Plaintiff's disabilities. For this reason, Jet often accompanies Plaintiff wherever he goes. Jet also wears a vest clearly identifying him as a "Service Dog."
9. Plaintiff arrived for his appointment with Dr. Jackson and the Jackson Chiropractic Clinic on May 22, 2019. When Plaintiff entered the building with Jet, staff working for Defendants stated "Dr. Jackson does not like, nor allow dogs in the office." Plaintiff informed the staff that the dog was a service dog. Staff insisted that the doctor does not allow service dogs to attend treatments and said they had to maintain a sterile environment because "most patients suffer from allergies."
10. Plaintiff informed the staff he was entitled to bring a service dog in under the Americans With Disabilities Act, and that they had not provided legitimate reasons to remove the dog under federal law. In response, staff requested he wait outside the building.

11. Plaintiff waited outside the building with Jet. Dr. Jackson came outside and approached Plaintiff in an aggressive and agitated manner and said “I told you last year the reason for no dogs; other patients are at risk for allergies.” Plaintiff advised Dr. Jackson that he had not provided any lawful reason for excluding Jet from treatments under the ADA.
12. Dr. Jackson then yelled at Plaintiff “you need to stop being selfish and preventing other patients from getting the proper treatment and preventing them from going to the doctor with ease!”
13. Despite Plaintiff’s protests, Dr. Jackson made clear he would not be treating Plaintiff with the dog present despite federal law requiring he allow a service dog. Due to Defendants’ refusal to treat him, Plaintiff left without being treated.
14. Plaintiff felt humiliation, embarrassment, and emotional pain as a result of Defendants’ refusal to treat him due to his disability.

COUNT I

DISCRIMINATION IN VIOLATION OF THE AMERICAN’S WITH DISABILITIES ACT (42 U.S.C. §12181, et. seq.)

15. Dr. Jackson owns and operates JCC, which is a place of public accommodation.
16. Plaintiff has disabilities which substantially interfere with major life activities.
17. Jet is a service dog.
18. Defendants discriminated against Plaintiff by refusing service based upon his disability and his service dog, refused to make accommodations for Plaintiff’s disability and service dog, and adopting and implementing a policy which discriminates against disabled persons with service dogs.
19. As a result of Defendants’ discrimination, Plaintiff suffered damages.

20. Plaintiff is entitled to injunctive relief, monetary damages, attorney's fees, and any other award the Court deems fit.

COUNT II

DISCRIMINATION IN VIOLATION OF OKLAHOMA ANTI-DISCRIMINATION LAWS (25 OKLA. STAT. §1101, ET. SEQ.)

21. Dr. Jackson owns and operates JCC, which is a place of public accommodation.

22. Plaintiff has disabilities which substantially interfere with major life activities.

23. Jet is a service dog.

24. Defendants discriminated against Plaintiff by refusing service based upon his disability and his service dog, refused to make accommodations for Plaintiff's disability and service dog, and adopting and implementing a policy which discriminates against disabled persons.

25. As a result of Defendants' discrimination, Plaintiff suffered damages.

26. Plaintiff is entitled to injunctive relief, monetary damages, attorney's fees, and any other award the Court deems fit.

COUNT III

NEGLIGENCE PER SE

27. Defendants owed a duty to Plaintiff to follow and obey federal and state anti-discrimination laws, which would include allowing Plaintiff to bring his service dog in for chiropractic treatments.

28. Defendants breached their duty by discriminating against Plaintiff and refusing to serve him due to his disability and service dog.

29. Due to Defendants' breach of duty and discrimination, Plaintiff suffered injury by way of humiliation, embarrassment, and other severe emotional harm. He is entitled to compensatory damages, costs, attorney's fees, and any further award the Court deems just.

COUNT IV

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

30. Plaintiff is a Marine Corps combat veteran who suffers from disabilities relating to his service.

31. Plaintiff relies on Jet every day for these combat-related disabilities.

32. Instead of following the law, Defendants refused him service, and made him wait outside only to be aggressively told he was being "selfish" for needing his service dog with him. Dr. Jackson made clear in no uncertain terms he did not care what the law was, he was not going to treatment Plaintiff with his service dog in the building.

33. Defendants actions were extreme and outrageous as to go beyond all possible bounds of decency. Defendants intentionally or recklessly caused severe emotional distress to Plaintiff beyond that which a reasonable person would be expected to endure.

34. As such, Plaintiff is entitled to damages.

PRAYER FOR RELIEF

Plaintiff, Auston Ellis, prays the Court enter judgment in his favor and against Defendants, Dr. Troy Jackson and Jackson Chiropractic Clinic, including monetary damages, attorney's fees, injunctive or other equitable relief, costs, and any other award the Court deems just.

Daniel Card Law, L.L.C.

s/ Daniel J. Card

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